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Chapter 5. Police Powers of the Council

Sec. 5.1. Public health and safety.

Through the established departments and agencies of the city government, together with any such departments or agencies as may be created under authority of this charter, the Council shall provide for the public peace and health and for the safety of persons and property.

Sec. 5.2. Intergovernmental contracts.

The city may join with any governmental unit or agency, or with any number or combination thereof, by contract, or otherwise as may be permitted by law, to perform jointly, or by one or more for or on behalf of the other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

Constitution reference--Authority of city to enter into joint contractual or administrative functions or powers with other governmental units, Art. VII, § 28.

Sec. 5.3. Licenses.

The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require an exact payment of such reasonable sums for any licenses as it may deem proper.

Sec. 5.4. Streets and alleys.

The Council shall have power to establish and vacate, to use, and to control and regulate the use of the streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the city, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the city, and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

Sec. 5.5. City contracts and purchases.

The Council shall be responsible for the control of the letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and the making of contracts. Such ordinance shall specify an amount below which and purposes for which purchases may be made by the city administration either without specific authorization or without the necessity of formal competitive bidding, or both. The Council, in its discretion, shall have the right to reject any and all bids.

Sec. 5.6. Rights as to property.

The Council shall have the power to acquire for the city by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits, and either within or without the County of Midland, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the city government established by this charter.

Sec. 5.7. Parks and recreational facilities.

The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of all parks and recreational facilities, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its corporate limits. Once established, no park shall be discontinued or used for purposes other than public recreation, natural preserve or as a greenbelt unless such discontinuance or other use shall be approved by a majority of the electors of the city voting at a general election.

(Amd. of 8-5-75)

Sec. 5.8. Cemetery regulations.

The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the city belonging to, or under the control of, any church or religious society, or any corporation, company, or association. The city may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such a manner as shall conform to the ordinances of the city, or to be buried elsewhere. In any cemetery established by the city, a plan for the platting, sale, and perpetual care of all lots, plots, and lands therein shall be provided.

Sec. 5.9. Trusts.

The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other municipal purposes and shall apply the same to the execution of such trusts and for no other purposes whatsoever. All trusts established for cemetery, park, or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to the common law cy pres doctrine.

Sec. 5.10. House trailers.

The Council may, by ordinance, provide for the prohibition or regulation of the use, occupancy, sanitation, and parking of house trailers within the city. The right of the Council to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever.

Sec. 5.11. Publication.

The Council shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this charter or by law. The Council shall determine that such publication shall be made in a newspaper, as defined by state law, which is published and circulated in the city, or that such publication shall be made by posting in the office of the Clerk and in five (5) other public places in the city. In case publication is made by posting, a notice of such posting, setting forth by a descriptive phrase, the purpose or nature of the notice, ordinance, or proceeding posted, and location of the places where

posted, shall be published at least once in a newspaper, as defined by state law, published and circulated in the city within seven (7) days after such posting was done.

Sec. 5.12. Planning and zoning.

The Council shall maintain a City Planning Commission in accordance with and having the powers and duties granted by the provisions of state law relating to such commissions. The Council shall also maintain a zoning ordinance in accordance with the provisions of state law relating to such ordinances. Insofar as may be, the provisions of such ordinance shall be coordinated with the work of the City Planning Commission herein required to be maintained by the Council.

State law reference(s)--Municipal planning commissions, M.S.A., § 5.2991 et seq.

Sec. 5.13. Advisory commissions.

The Council may establish such Advisory Commissions as it shall deem necessary. All of said commissions shall be appointed by the Council, subject to applicable provisions of state law, and shall act solely in an advisory capacity to the Council. The function of each commission, its membership and its method of operation, shall be established by ordinance, and all such ordinances shall be consistent with state law and this charter. All such commissions shall be established in such a manner that their functions or duties shall not detract from, replace, or interfere with the administrative functions or duties of the City Manager or any other administrative officer of the city. Appointments to such commissions shall be for terms of three years, one (1) term expiring in each year, unless any such commission shall be established under authority of state law, in which case, appointments shall be for the terms specified in the enabling legislation.